

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

Case No. 3:18-cr-0079

-vs-

MICHAEL BUSCH, et al.,

Judge Thomas M. Rose

Defendants

ENTRY AND ORDER

This matter comes before the Court pursuant to Defendants' Motion to Exclude Experts (Doc. 79). The Motion to Exclude Experts is **MOOT** as regards Christine Storley, Fraud Investigator with the USDA and Detective Isaiah W. Kellar, Digital Forensics Examiner with the Montgomery County Sheriff's Office.

As regards Paul Scanlan, Project Manager, Ohio Department of Jobs and Family Services State EBT/EPC Security Administrator, the Court will continue to allow testimony concerning how the SNAP system works the regulatory framework, but to bar testimony concerning what actions constitute criminal violations of SNAP and whether Defendants in this case violated SNAP laws and regulations. This is not because this is not a trial about violations of SNAP regulations – it is. The Government has indicted Defendants for violations of SNAP statutes and regulations, and this is what the trial is about. This is shown, e.g. in paragraph 46 of the Second Superseding Indictment.

However, it is the province of the Court to state what the law is, including whether regulations codified in the C.F.R. have the force of law and can be the basis for a criminal conviction. In a jury trial, the Court performs this function during jury instructions. Thus, the motion is **DENIED** as regards Mr. Scanlan.

IT IS SO ORDERED.

June 12, 2019

*s/Thomas M. Rose

Thomas M. Rose, Judge
United States District Court